THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9471 of 2007

Dated:01.05.2007

Between:

Natta Malyadri and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9471 of 2007

ORDER:

The petitioners who are fifty eight in number were allegedly assigned agricultural lands by way of D-Form pattas on 20.02.2002. The land is comprised in various survey numbers situated at Gundlapalem Village. The third respondent herein issued notices and passed orders on 01.11.2006 cancelling the assignment and ordering resumption of the land on the ground that the petitioners failed to cultivate the land. The petitioners then filed appeal under paragraph 15 of Board Standing Order 15 before the second respondent on 27.02.2007 and also prayed for stay of the orders of the proceedings of the third respondent i.e., Mandal Revenue Officer. Alleging that the appeals and the applications were not disposed of, the petitioners filed the instant Writ Petition alleging that the third repsodnent is trying to dispossess the petitioners even though the appeals are pending.

At the stage of admission itself, the learned Assistant Government Pleader obtained instructions. He submits that all the petitioners were assigned the land, which was declared surplus agricultural land under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, that at present at the instance of the declarants in the Land Reforms Proceedings the matter is pending before the Supreme Court which granted orders of *status quo*, and therefore, the applications were not taken up by the Revenue Divisional Officer. Though there is a force in the submission of the learned Assistant Government Pleader, this Court observes that there is justification on the part of the second respondent to communicate the order to that effect to the petitioners, especially, when they filed appeals and asked for stay. Needless to mention that against the order of cancellation passed by the assigning authority an appeal lies under Board Standing Order 15(15), and therefore, necessary orders may be passed immediately within a period of one week from the date of receipt of a copy of this order. If no orders are passed, this Court observes that the Revenue Divisional Officer may

dispose of the appeals themselves within a period of four weeks from the date of receipt of a copy of this order so that there will not be any scope for complaint that there is a threat of dispossession without passing orders against them.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

01.05.2007

Note: Issue C.C by 03.05.2007.

B/o

vs